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General Assembly
Fifty-eighth session

Official Records

86th plenary meeting
Thursday, 6 May 2004, 10 a.m.
New York

President: The Hon. Julian R. Hunte ..... (Saint Lucia)

The meeting was called to order at 10.20 a.m.

Agenda item 124 (*continued*)

Scale of assessments for the apportionment of the expenses of the United Nations

The President: I would like to invite the attention of the General Assembly to documents A/58/688/Add. 6 and Add.7, in which the Secretary-General informs the President of the General Assembly that, since the issuance of his communications contained in documents A/58/688 and Add. 1 to Add.5, the Solomon Islands, Uganda and Vanuatu have made the necessary payments to reduce their arrears below the amount specified in Article 19 of the Charter.

May I take it that the General Assembly duly takes note of the information contained in those documents?

It was so decided.

Agenda items 50 and 60 (*continued*)

Integrated and coordinated implementation of and follow-up to the outcomes of the major United Nations conferences and summits in the economic, social and related fields

Follow-up to the outcome of the Millennium Summit

Draft resolution (A/58/L.8/Rev.1)

The President: Members will recall that the General Assembly held its debate on agenda item 50 at its 40th to 42nd plenary meetings, on 22 and 23 October 2003. At its 75th plenary meeting, on 17 December 2003, the General Assembly adopted decision 58/529, entitled "Commemoration of the tenth anniversary of the International Conference on Population and Development". Members will also recall that the Assembly held its debate on agenda item 60 at its 43rd plenary meeting, on 27 October 2003. At its 68th plenary meeting, on 3 December 2003, the General Assembly adopted resolution 58/16, entitled "Responding to global threats and challenges".

In connection with these two items, the General Assembly now has before it a revised draft resolution issued as document A/58/L.8/Rev.1, on the major high-level event to be convened in 2005. As I indicated to Permanent Representatives in my letter of 28 April 2004, draft resolution A/58/L.8/Rev.1 is the outcome of a long process of consultations and negotiations. My own consultations on the draft resolution indicate that it now accommodates and addresses the major concerns of delegations in a reasonable manner, so as to generate consensus. I have been assured that the draft resolution enjoys broad support.

I wish to express my sincere appreciation to the Permanent Representative of Qatar, His Excellency Mr. Nassir Abdulaziz Al-Nasser, Chair of the Group of 77 and China, and his delegation, for the extensive and dedicated work they have done to ensure broad consensus on the draft resolution.

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A. Corrections will be issued after the end of the session in a consolidated corrigendum.

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The major high-level event, which draft resolution A/58/L.8/Rev.1 addresses, is one that is broad in its scope. The mandate of the event as set out in the draft resolution encompasses a comprehensive review of the progress made in the fulfilment of all the commitments contained in the United Nations Millennium Declaration. That would include internationally agreed development goals and the global partnership required for their achievement.

As well, the mandate of the event incorporates a comprehensive review of progress made in the integrated and coordinated implementation, at the national, regional and international levels, of the outcomes and commitments of the major United Nations conferences and summits in the economic, social and related fields.

The requested report of the Secretary-General is also mandated to be a comprehensive one, and as such should address all the pertinent issues contained in the Millennium Declaration and in the outcomes of major summits and conferences in the economic and social fields. I would urge all Member States to participate actively in the process of consultations that would inform this report, which will now form the basis of the review that the major high-level event will undertake.

Draft resolution A/58/L.8/Rev.1 has been the subject of consultations and negotiations for some seven months now. There is only a short time remaining for me to carry out, during the fifty-eighth session, the consultations foreseen in the draft resolution, for which I will require the full cooperation of all Member States. This time does not allow us to begin a new round of negotiations and consultations on what is, indeed, a purely procedural draft resolution. In any event, it may not be wise to do so, given the broad support for the draft resolution as it now stands.

In this spirit, I would urge Members States to join in the consensus adoption of draft resolution A/58/L.8/Rev.1.

We shall now proceed to consider draft resolution A/58/L.8/Rev.1.

Before giving the floor to speakers in explanation of position before action is taken on the draft resolution, may I remind delegations that explanations of vote or position are limited to 10 minutes and should be made by delegations from their seats.

Mr. McIvor (New Zealand): Mr. President, I will try to make myself heard above the considerable background noise, to which you have referred.

It is always a pleasure to take the floor in this forum on behalf of Australia, Canada and New Zealand, as I do today.

The draft resolution before us deals with a subject that, increasingly, is the focus of critical attention from all delegations — namely, what are we actually doing to give effect to the objectives and aspirations of the Millennium Summit and to implement the commitments made at the major United Nations conferences and summits in the economic and social fields? The draft is the culmination of protracted consultations and negotiations in which many — though not all — delegations have participated. Throughout that process, and in other forums, our three delegations — and, indeed, many others — have consistently emphasized several points.

In our view, it is essential that the proposed high-level meeting in 2005 focus squarely on the question of implementation and not seek to revisit previously agreed outcomes. It is our understanding from the consultations and from statements that delegations have made elsewhere and at other times that no delegation disagrees with this.

We also believe that the proposed event would provide an important occasion for delegations to reaffirm previously agreed commitments. Moreover, the review should, as the draft resolution notes, be comprehensive and should not presume a more specific focus on selected issues.

Next year is a milestone in the history of the United Nations. A stock-taking of progress towards the objectives and commitments we have set ourselves should not occur just in the abstract. Rather, as the Organization nears its sixtieth anniversary, we should also ask whether the structures and tools currently at our disposal are what we need in the twenty-first century to achieve our goals. We trust that next year's event will take account of the findings and conclusions of the Secretary-General's High-level Panel on Threats, Challenges and Change and other relevant processes under way.

We have a unique opportunity next year. We have one chance to assemble the highest levels of Government to consider these important matters. We

must get it right, and we have little time to plan. While we retain concerns about the current text and the way in which it has evolved, we are ready to join a consensus because of the importance of the subject. With that in mind, we must ensure that our preparations are thorough and that all delegations are able to participate fully in them. We look forward to working with you, Sir, in the coming months as you conduct your open-ended consultations.

Mr. Wrafter (Ireland): Ambassador Ryan has asked me to apologize for the fact that he was unable to make this statement in person.

I have the honour to speak on behalf of the European Union (EU). The candidate countries Bulgaria, Romania and Turkey; the countries of the Stabilization and Association Process and potential candidates Albania, Bosnia and Herzegovina, Croatia, the former Yugoslav Republic of Macedonia, and Serbia and Montenegro; and the European Free Trade Association (EFTA) countries Iceland and Liechtenstein, members of the European Economic Area, align themselves with this statement.

The EU supports the draft resolution before us today. The text represents months of hard work since the first draft was presented by Morocco as the then-Chairman of the Group of 77. Since January, Qatar has assumed the chairmanship of the Group and the role of promoter of the draft resolution.

We consider that the adoption of the draft represents a small but important point on the road to the major event at the commencement of the sixtieth session of the General Assembly in 2005.

Our goal is the effective implementation of the outcomes of the major United Nations conferences and summits, in particular the Millennium Declaration, which, for the EU countries, constitutes the overarching policy framework for the United Nations in the economic and social fields. The Millennium Development Goals and the other internationally agreed goals provide us with clear objectives in the economic and environmental areas on which the international community needs to focus its attention and, above all, its action.

The EU stands ready to make a substantive contribution to the major event, where the United Nations will undertake a stocktaking of the progress made in implementing the Millennium Declaration and towards the achievement of the Millennium Development Goals. On 27 April last, EU Development Ministers invited the European Commission to take forward work on the preparation and coordination of a consolidated EU contribution to the international stocktaking of the Millennium Development Goals. It is expected that a synthesis report prepared by the European Commission will be submitted to EU Development Ministers no later than April 2005.

We look forward to and will constructively engage in the open-ended consultations to be carried out by you, Sir, as President of the General Assembly.

Mr. Staehelin (Switzerland) (*spoke in French*): Switzerland is fully aware that the process of negotiation of the draft resolution before us has taken too much time. We therefore collectively find ourselves in a difficult situation which calls for a prompt solution. In that regard, Switzerland intends to fully cooperate with you, Sir, and we are prepared to join in what seems to be a consensus.

Switzerland, however, wishes to make the following three comments for the record.

First, the process of consultation and negotiation on this draft resolution became opaque on 24 February last, and communication among all parties concerned was not ensured — something that we deeply regret.

Secondly, the text before us today cannot be considered optimal. In particular, the disappearance of any explicit reference to the reaffirmation of the outcomes and results of the major conferences and summits of the United Nations in the economic, social and related areas, including the Millennium Summit, is deeply regrettable. Switzerland continues to believe that these conclusions and outcomes must be reaffirmed unambiguously, and it is ready to do so.

Thirdly, Switzerland does not believe that the outcomes and results of those conferences and summits should be renegotiated.

We are pleased to participate fully and actively in the follow-up to the process, which will from now on be in your capable hands. We wish to convey our full confidence in you, convinced as we are that will conduct the consultations entrusted to you in an inclusive and competent manner.

Mr. Løvald (Norway): Like previous speakers, I should like to comment on the draft resolution that we are about to adopt today.

Let me first underscore the importance Norway attaches to the high-level meeting at the commencement of the sixtieth session of the General Assembly in 2005. We believe that the major event will provide us with a unique occasion to take stock of the progress made in the follow-up to previously agreed outcomes of the major United Nations conferences and summits and in particular of the Millennium Development Goals.

Norway intends actively to use the major event to seek to reaffirm the goals and objectives we have previously signed on to by focusing on how to secure fast-track implementation of our commitments.

We would hope that the major event would be a most significant meeting at the highest level to follow up and take action, in particular towards achieving the Millennium Development Goals by 2015. We intend to participate actively in what must be open-ended and transparent consultations — under your able leadership, Sir — with all parties concerned and can assure you that we will do our utmost to contribute so that the high-level meeting in 2005 will serve as a true impetus for a strengthened implementation of our common commitments.

Finally, we are therefore ready to join in consensus on the text before us.

Mr. Haraguchi (Japan): First of all, I would like to welcome the consensus reached on this important draft resolution and congratulate you, Sir, for exerting leadership to achieve this consensus. As is stipulated in paragraph 3 of the draft resolution, we now have to direct our efforts towards the open-ended consultations to prepare for the high-level plenary meeting of the General Assembly next year. I can assure the Assembly that Japan will actively participate in those consultations and will do its utmost to make its contribution to the preparation for that major event.

This draft resolution, as you have just indicated, Sir, is submitted and adopted under two agenda items: items 50 and 60. I would also like to draw attention to the fact that the draft resolution is the successor to resolution 57/144 on follow-up to the outcome of the Millennium Summit. As you clearly stated in your intervention, next year we will be undertaking a comprehensive review of the progress made in the fulfilment of all the commitments contained in the Millennium Declaration. In order to ensure good planning for such a heavy agenda, we should begin our open-ended consultations as soon as possible.

We wish to reiterate that last year, the Secretary-General mentioned to us in the General Assembly that, in his view, we, the member States, must not shy away from questions about the adequacy and effectiveness of the rules and instruments at our disposal, especially the Security Council. The Secretary-General is expected to present his recommendations based on the findings of the high-level panel towards the end of this year. We expect that his recommendations will touch upon reform of the functions and institutions of the United Nations, including its Security Council. When the heads of State and Government meet next year for the high-level plenary meeting, it would be opportune for them to address this topic, too. Japan is of the view that United Nations reform matters, particularly the reform of the Security Council, are an important component of the Millennium Declaration and should be a legitimate focus of the discussion at the high-level plenary meeting next year.

In joining the consensus, my delegation welcomes and duly takes note of your assurance, Sir, that the draft resolution we are adopting today does indeed envisage a comprehensive review of the progress made in the fulfilment of all the commitments contained in the Millennium Declaration.

Mr. Drobnjak (Croatia): Croatia will join the consensus in adopting the draft resolution before us and has aligned itself with the statement of the European Union.

At the same time, my delegation would like to join those who have expressed their concern with the way the process of consultations has been conducted. The process so far has not been transparent or inclusive enough. We therefore hope that subsequent consultations on this important subject will be really open-ended, as stated in paragraph 3 of the draft resolution.

Mr. Al-Bader (Qatar) (*spoke in Arabic*): On behalf of the Chairman of the Group of 77 — the Ambassador of Qatar, who is currently overseas on an official mission — and China, I take this opportunity to thank you most sincerely, Sir, for convening this meeting to adopt draft resolution A/58/L.8/Rev.1,

entitled "Follow-up to the outcome of the Millennium Summit and integrated and coordinated implementation of and follow-up to the outcomes of the major United Nations conferences and summits in the economic and social fields".

This task has taken almost seven months to complete. That was necessary to give all member States adequate opportunity to participate in the process so that we could arrive at a consensus on the text of the draft resolution. Throughout the process, the Group of 77 and China exercised flexibility and accommodation to the many concerns that were raised by our partners during the negotiations. The text before us therefore takes into account the concerns of all member States and represents balanced and all-inclusive provisions and items on all issues and concerns that need to be addressed during the process leading to the 2005 high-level event.

I would like to take this opportunity to thank all delegations that worked tirelessly with the Group of 77 and China to arrive at this text, which we recommend to the General Assembly for adoption by consensus. I thank you once again, Sir, for facilitating the process, which will make the adoption of the draft resolution possible. I also thank you for the kind words addressed to my delegation and to the Group of 77 and China.

The President: The Assembly will now take a decision on draft resolution A/58/L.8/Rev.1, entitled "Follow-up to the outcome of the Millennium Summit and integrated and coordinated implementation of and follow-up to the outcomes of the major United Nations conferences and summits in the economic and social fields".

May I take it that the Assembly decides to adopt draft resolution A/58/L.8/Rev.1?

Draft resolution A/58/L.8/Rev.1 was adopted (resolution 58/291).

The President: The General Assembly has thus concluded this stage of its consideration of agenda items 50 and 60.

Agenda item 8 (*continued*)

Organization of work, adoption of the agenda and allocation of items: request for the inclusion of an additional item

Note by the Secretary-General (A/58/236)

The President: As indicated in his note, the Secretary-General has the honour to request, pursuant to rule 15 of the rules of procedure of the General Assembly, the inclusion in the agenda of the fifty-eighth session of the General Assembly of an additional item entitled "Financing of the United Nations Stabilization Mission in Haiti".

Owing to the nature of the item, unless there is an objection, may I take it that the General Assembly agrees that the relevant provision of rule 40 of the rules of procedure, which would require a meeting of the General Committee on the question of the inclusion of this item on the agenda, could be waived?

It was so decided.

The President: May I take it that the General Assembly, on the proposal of the Secretary-General, wishes to include in the agenda of the current session an additional item entitled "Financing of the United Nations Stabilization Mission in Haiti"?

It was so decided.

The President: The item is therefore included as item 168. In his note, the Secretary-General further requests that the item be allocated to the Fifth Committee. May I take it that the General Assembly, as requested by the Secretary-General, wishes to allocate this item to the Fifth Committee?

It was so decided.

The President: The Chairman of the Fifth Committee will be informed of the decision just taken.

I propose now to suspend the meeting to enable delegations to continue consultations on agenda item 38.

The meeting was suspended at 10.50 a.m. and resumed at 11.10 a.m.

Agenda item 38 (*continued*)

Question of Palestine

Draft resolution (A/58/L.61)

The President: Members will recall that the General Assembly held the debate on this item at its 65th and 66th plenary meetings, on 1 and 2 December

2003, and that the Assembly took action on four draft resolutions at its 68th plenary meeting, on 3 December.

I call on the Observer of Palestine.

Mr. Al-Kidwa (Palestine) (*spoke in Arabic*): I should like at the outset to express my sincere gratitude to you, Sir, for responding to the request to resume negotiations on the item entitled "Question of Palestine". We thank you for your long-standing wise leadership. I also wish to thank the sponsors of the draft resolution contained in document A/58/L.61, particularly the main sponsor, Malaysia. The draft resolution, as members know well, was initiated in a different manner under a different agenda item, relating to the report of the Credentials Committee.

(*spoke in English*)

The issue before the General Assembly today represents an important matter, legally and politically. In light of recent developments, it represents a necessary and basic affirmation by the international community of the right of the Palestinian people to self-determination and to sovereignty over the Palestinian territory occupied by Israel since 1967, including East Jerusalem, and a rejection of any claims of Israeli sovereignty over that territory. In accordance with the rules and principles of international law — and this must be the fundamental basis upon which the international community addresses all issues and matters before it — those rights are constant and cannot be altered or voided with the passage of time or because of changes on the ground.

Such a clear affirmation by the Assembly has always been needed, but it has become more urgent in the light of recent attempts to confer legitimacy on and to entrench Israel's illegal expansionist designs and measures, including on some of its illegal settlements, in the occupied Palestinian territory, including East Jerusalem. Moreover, as the text of the draft resolution before delegations states, the Assembly's action today is intended as a contribution to the attainment of a just and comprehensive negotiated peace settlement in the Middle East, resulting in two viable, sovereign and independent States, Israel and Palestine, based on the Armistice Line of 1949 and living side by side in peace and security.

Clearly, adherence to the basic rules and principles of international law, as well as to the Charter and the relevant United Nations resolutions, is imperative for the ultimate attainment of such a peace settlement. The Middle East peace process is founded on such principles and resolutions, and that must serve as the context within which a solution to this tragic conflict is found; it cannot be achieved in a vacuum, absent international law, and determined only by the grave imbalance of power.

The Palestinian side long ago took the historic decision necessary for the achievement of peace by accepting the existence of Israel and accepting a solution to the conflict based on two States along the Armistice Line of 1949, known also as the 1967 borders. Since then, the only reason for the continuation of the conflict, bloodshed and suffering has been Israel's effective rejection of that solution and its continuing occupation of, and expansionist designs on, the Palestinian territory it occupied in 1967, including East Jerusalem.

Israel, the occupying Power, has relentlessly colonized our land, continuously building and expanding its illegal colonial settlements on confiscated Palestinian land and attempting to unlawfully acquire by force even more of that land, including by the ongoing construction of its expansionist wall, which, far from being intended for security, is aimed at protecting and entrenching those illegal settlements: part and parcel of Israel's decades-long colonial campaign.

All of that has been carried out by Israel with impunity and with blatant contempt and disregard for international law and relevant United Nations resolutions as a result of the protection and encouragement accorded to it by a great Power and appeasement by others, allowing it to persist in, and even escalate, its unlawful policies and practices.

The occupying Power's pursuit of such illegal policies and practices has ensured the continued denial and violation of our national rights, including our right to self-determination and to the achievement of our independent State, Palestine. Even when the current Israeli Government agreed to the so-called vision of two States, it did so while still intending to illegally acquire more of our land and while still refusing to accept the existence of a truly sovereign and viable State of Palestine.

That is why Mr. Sharon's Government continues to pursue settlement activities and why it continues to construct the expansionist wall in the occupied

Palestinian territory, including East Jerusalem, and to attempt the de facto annexation of more of our land. And that is why it continues with its measures to destroy the Palestinian Authority and continues to imprison and threaten the safety of the President of the Palestinian Authority and leader of the Palestinian people.

That is why it has continued with its reign of terror against the Palestinian people; war crimes and innumerable other violations of international law are being committed daily by the occupying Power as it continues to kill or wound civilians, including women and children, and to wantonly destroy Palestinian homes, property and land. That is why it has undermined or pre-empted all initiatives to end the disastrous situation that has prevailed over the past three years and why it has now come up with the so-called unilateral disengagement plan.

The issue is the land and the military occupation of that land for nearly 37 years. The issue is the land and the illegal expansionist designs of Israel at the expense of the Palestinian people and their rights. It is about Israel's refusal to end this occupation and its refusal to adhere to international law, instead seeking all the while to acquire more land by force and to eliminate more of the indigenous people as it carries out its unlawful and unjust policies and practices in the occupied Palestinian territory, including East Jerusalem, without constraint.

Israel is doing that while it has not even resolved the issue of the ownership of land and property in Israel itself. There are 5.5 million dunams of land privately owned by Palestine refugees, all of which have been identified and registered by the United Nations Conciliation Commission for Palestine. That ownership needs to be recognized by Israel, and, in accordance with international refugee law, its restitution must be an essential element of any settlement of the Palestine refugee problem. Those 5.5 million dunams represent almost half of the land of Israel, if we exclude the Negev desert. Indeed, the situation before us is starkly clear: not only has Israel taken over that privately-owned land instead of restoring it to its rightful Palestinian owners, but it also proceeds with the colonization of the occupied Palestinian territory, including East Jerusalem, and with its attempts to annex large parts of that territory.

On 14 April, a disturbing and negative development took place in the form of an exchange of letters and assurances between Prime Minister Sharon of Israel and President Bush of the United States. The content of those letters violates international law as reaffirmed in numerous Security Council resolutions and violates the rights of the Palestinian people. It represents an attempt to confer legitimacy on some of Israel's illegal settlements in the occupied Palestinian territory, to negate the rights of the Palestine refugees and to weaken international opposition to the catastrophic and unlawful expansionist wall. The content is also a departure from the terms of reference of the Middle East peace process and the United Nations resolutions and principles of international law within which the process is rooted. It is also a complete departure from the road map and its substance, as well as from the principle of achieving a peaceful settlement through negotiations between the two parties and of refraining from any actions that might pre-empt final status issues.

Even with regard to Gaza, the Israeli proposal, as reflected in the letters exchanged, falls far short of any real withdrawal, keeping control of international borders, airspace and water in the hands of the occupier and maintaining the so-called right to military intervention or attacks against Gaza. In sum, rather than actually being a real and complete withdrawal from Gaza, it is an attempt to seal Gaza off from the rest of the occupied Palestinian territory and the rest of the world and to finalize its transformation into a densely-packed prison for the more than 1.2 million Palestinians living there.

In light of all of this, it seemed that the road map could not be implemented and that the work of the Quartet would be extremely difficult to continue. Some, however, say that we might still have a chance to save the road map and that a real and complete withdrawal from Gaza might be an opportunity towards actually reviving it.

We would more than welcome the success of such an optimistic view, but for this to happen, several elements are required, including, first, the unqualified reaffirmation by the Quartet of commitment to the road map, including its terms of reference; and secondly, that any Israeli withdrawal, including from the Gaza Strip and the northern West Bank, be real, complete and non-reversible and that an international presence or monitoring mechanism be established as proposed. A

third essential element must be a reaffirmation of the necessity for a complete cessation of settlement activities and the cessation of the construction of the wall. This is, of course, a central requirement, without which positions will remain theoretical and might even represent a cover for Mr. Sharon's plans to illegally acquire large areas of the West Bank. With the wall, there can be no road map and, with the wall, there can be no hope for any peace. The wall makes the two-State solution both practically and physically impossible to attain and that is why the issue is now before the International Court of Justice — the most important development thus far in terms of a response by the international community to this grave violation and breach.

The outcome of the meeting of the Quartet two days ago on 4 May is welcome, although inconclusive. It was indeed significant that the Quartet reaffirmed its commitment to the road map and to the terms of reference for a negotiated peace settlement, including

> "Security Council resolutions 242 (1967), 338 (1973), 1397 (2002) and 1515 (2003), the terms of reference of the Madrid peace process, the principle of land for peace, previous agreements and the initiative of Saudi Crown Prince Abdullah endorsed by the Beirut Arab League Summit."

With regard to Gaza, the Quartet affirmed the necessity of a full Israeli withdrawal and a complete end to the occupation in Gaza. This is also welcome, although it is not Sharon's intention in accordance with his unilateral disengagement plan and it remains to be seen how it will be actualized in terms of the clear position taken by the Quartet.

Unfortunately, at this stage, we cannot speak as positively about the third required element when it comes to the position taken by the Quartet. In this regard, we reiterate that the need for the complete cessation of all settlement activities, as well as the complete cessation of the building of the wall, must be clearly affirmed by the Quartet, for such cessation is essential to salvaging the road map and the two-State solution.

In sum, the outcome of the Quartet's meeting could serve as a good point for restarting the work of the Quartet. More work, however, is obviously needed to bring further clarity and to overcome the damage incurred in April. From our side, I wish to reiterate our commitment to implementing our obligations under the road map and to resuming negotiations at any time. At the same time, we also believe that it would be a good thing for the Quartet to involve the Security Council, considering its Charter authority and its responsibilities for the maintenance of international peace and security.

The choice now is between the rule of international law or attempts to impose a de facto illegal situation. It is between a real two-State solution — a real State of Palestine in the Palestinian territory occupied since 1967, including East Jerusalem — or the imprisonment of the Palestinian people in walled Bantustans on half of their land and then trying to call it a State. It is between a solution that achieves justice, albeit relatively, or a charade that can only lead to the continuation of violence and suffering. We choose — and we believe the international community chooses the same — the rule of international law and a genuine and viable two State solution. We choose justice and peace.

The President: I call on the representative of Malaysia to introduce draft resolution A/58/L.61.

Mr. Rastam (Malaysia): On 17 December 2003, Malaysia introduced, on behalf of 24 original co-sponsors, draft resolution A/58/L.48. We explained our reasons for doing so. This Assembly might recall that my delegation and the co-sponsors of the draft resolution at the time agreed not to insist on action being taken then and for the Assembly to defer consideration of the matter in order to allow for more time for wider and deeper consultations. Nevertheless, we expressed our intention to revisit the issue. We do so today in keeping with that intention. Therefore, I have the honour to introduce draft resolution A/58/L.61, entitled "Status of the Occupied Palestinian Territory, including East Jerusalem", on behalf of Algeria, Bahrain, Bangladesh, Brunei Darussalam, the Comoros, Cuba, Djibouti, Egypt, Indonesia, Jordan, Kuwait, Lebanon, the Libyan Arab Jamahiriya, Malaysia, Mauritania, Morocco, Namibia, Oman, Qatar, Saudi Arabia, Senegal, Somalia, South Africa, the Sudan, the Syrian Arab Republic, Tunisia, the United Arab Emirates, Yemen and Palestine.

The sponsors are confident that, following further discussions and very constructive consultations among delegations, the Assembly will be in a position to consider and adopt the draft resolution, as submitted under agenda item 38. In this connection, we wish to

express our sincere thanks to you, Sir, for convening this important meeting of the plenary to allow the General Assembly to consider the draft resolution. We also thank those delegations that have cooperated with the sponsors in producing the final text through their most valuable comments and suggestions.

The sponsors believe that they have adequately taken into consideration the concerns of all delegations. Very significant changes have been made to the draft that was originally introduced last December. The text of the present draft resolution is now clear. It is also concise. It seeks the reaffirmation by the international community of the right of the Palestinian people to self-determination and to sovereignty over the Palestinian territory occupied by Israel since 1967, including East Jerusalem. It does not raise any extraneous questions, as some would claim. Issues concerning both credentials and representation have been dropped. The seventh preambular paragraph of the draft resolution clearly states the desire to contribute

> "to the achievement of the inalienable rights of the Palestinian people and the attainment of a just and comprehensive negotiated peace settlement in the Middle East resulting in two viable, sovereign and independent States, Israel and Palestine, based on the Armistice Line of 1949 and living side by side in peace and security".

The draft resolution is now focused on a specific question: the status of the territory.

Draft resolution A/58/L.61 does not create new demands. Its contents are in keeping with all General Assembly and Security Council resolutions adopted thus far on the issue. The operative part affirms that Israel, the occupying Power, has no sovereignty over any part of the occupied territory. It also affirms that the Palestinian people have the right to self-determination and to sovereignty over the territory. That right to self-determination has been confirmed time and again by numerous United Nations resolutions.

It would be false to claim that the draft resolution seeks to pre-determine final status issues. The draft resolution addresses issues that both the General Assembly and the Security Council have pronounced themselves on. The Quartet reaffirmed on Tuesday, 4 May 2004, that

> "no party should take unilateral actions that seek to predetermine issues that can only be resolved through negotiation and agreement between the two parties".

The fact remains that the territory in question continues to be under Israeli occupation and that it is still subjected to severe policies and practices that have caused the Palestinian people tremendous grief and suffering. We must not confuse the issue. It is a fact that, for more than 35 years, Israel has been the only State in the United Nations that has been recognized by the Security Council as an occupying Power.

In a non-paper distributed two days ago, Israel claims that the draft resolution constitutes a violation of the principle of universality in the United Nations system and that it represents conspicuous discrimination against Israel. The sponsors find that to be most intriguing. Are we simply to ignore the fact that the occupied Palestinian territory, including East Jerusalem, has been universally recognized as occupied since 1967 and that it is indeed Israel that has refused to acknowledge that and has continued to defy international law and numerous Security Council and General Assembly resolutions?

We, the sponsors, maintain that the fact remains that the position on the issue has not been modified or altered by either the General Assembly or the Security Council. The fact also remains that, in the United Nations, the right to self-determination has been consistently reaffirmed as a basic principle in general and in relation to the Palestinian people in particular.

I wish to assure the General Assembly and all Member States that the draft resolution is not about the status or legitimacy of disputed legal and territorial claims. The sponsors are confident that it will not set a dangerous precedent for Member States with "territorial disputes" or "contested borders". The issue concerning the occupied Palestinian territory, including East Jerusalem, is not about a territorial dispute or contested borders. It is about military occupation; illegal settlements; illegal annexation and destruction of Palestinian lands, property and crops — including, I might add, thousands of olive trees; and the illegal expansionist wall. It is about commitment to peace achieved through a just and comprehensive negotiated settlement. In sum, it is simply about the status of the occupied Palestinian territory, including East

Jerusalem, in accordance with the rules and principles of international law.

In conclusion, allow me, on behalf of the sponsors, to commend draft resolution A/58/L.61 to the General Assembly for consideration and adoption today.

Mr. Alsaidi (Yemen) (*spoke in Arabic*): On behalf of the delegation of Yemen and the Group of Arab States, allow me, Sir, to thank you for the wise manner in which you are conducting the deliberations of the General Assembly at its fifty-eighth session and for your efforts to strengthen the effectiveness of the United Nations in general and of the General Assembly in particular. In the light of recent developments in international relations, you responded favourably to our request to resume the Assembly's consideration of agenda item 38, "Question of Palestine". That reflects the international community's concern over Israeli practices that are undermining the peace process and leading the region towards ultimate disaster. Indeed, the fact that the Assembly has been convened is proof of the inevitability and urgency of this meeting, given the unbridled pace of developments in the occupied Palestinian territories.

The Security Council is unable to play its role of maintaining international peace and security in the occupied Palestinian territories. Today, as the territory undergoes shelling, firebombings, ambulance sirens, funerals and the persecution of Palestinian children, we are gathered here simply to reaffirm the role of the General Assembly — the organ that gives voice to the collective conscience and will of the international community and that, more than any other, embodies democracy in international relations.

No one is unaware that the Arab Group was about to introduce a draft resolution limited to the question of the representation of the occupied Palestinian territories. However, in the light of the swift developments in the situation on the ground, we have been compelled to draw the Assembly's attention to the status of the occupied Palestinian territories, which are facing threats that jeopardize the future of the peaceful settlement of the conflict.

The Prime Minister of Israel officially announced a plan to withdraw Israel's occupation forces from Gaza and declared that expansionist activities and settlements would be concentrated in the occupied West Bank. The fate of that plan is now vague, considering that the party in power has rejected it. Indeed, the plan reveals Israel's expansionist aims.

Israel's policy has been clear throughout its occupation of Palestinian territories since 1967. That policy is evidenced in Israel's continuous acquisition of territory, its expansionist settlements policy and, of late, the building of an expansionist wall, a wall that goes beyond the green line. That wall is yet another step along the path to Israel's annexation of new Palestinian territories.

For these reasons, it is clear today that Israel has always been more interested in seizing Palestinian land than in peace and security. It has always tried to impose new realities on the ground by changing the legal status of the occupied territories. This is a blatant attempt to flout international legitimacy. It is not the right path to security in the region. That will not change the actual reality, which is that Israel, under international law, is occupying Palestinian territory, and that it cannot exercise sovereignty over occupied territory.

Neither Israel nor any other party has the right to act on behalf of the Palestinian people with respect to final-status issues, because those should be the subject of negotiations between both parties, Palestinian and Israeli.

The Palestinian party, represented by its legitimate leadership, is the only one empowered to act in keeping with its national interests under international law and relevant resolutions of the United Nations. The international community stands united with respect to the principles and concepts that should govern any serious attempt to settle the Arab-Israeli conflict. Such an attempt must reflect the serious security concerns of Israel and the right of the Palestinians to freedom and to self-determination.

The Arab States, including the Palestinian Authority, have welcomed the road map. The road map represents a practical plan — the only plan that has international unanimous support, including that of Israel. Arab States as a whole also welcome the efforts of the Quartet. The Quartet reaffirmed in its statement made two days ago that the parties to the conflict should refrain from any unilateral action that could have an impact on the questions of borders or of refugees, because those questions should be settled on the basis of direct negotiations between the parties concerned and in the framework of the peace process;

all relevant resolutions, in particular Security Council resolutions 242 (1967), 338 (1973), 1397 (2002) and 1515 (2003); the principle of land for peace; previous agreements between the various parties; and the initiative taken by His Highness Prince Abdullah, the Crown Prince of the Kingdom of Saudi Arabia, which was endorsed at the Arab summit in Beirut.

Throughout the history of this Organization, the question of Palestine has brought into play the issue of the credibility of the Organization. Today this question represents a real challenge for anyone who believes in the rule of law and in the importance of the collective international will represented by multilateral organizations, including, of course, the United Nations.

Permit me to say very candidly that failure to implement United Nations resolutions on the Middle East is one of the reasons why the conflict has become worse, because this Organization has not been able to implement all of the numerous relevant resolutions on the Middle East.

Along the same lines, this Organization has not been able to translate into reality the principles and concepts embodied in those resolutions. The draft resolution that is before the Assembly today reflects the Assembly's continued interest in the tragedy of the Palestinian people. It states that it remains committed to a peaceful settlement, to which we all aspire.

To conclude, I should like, on behalf of the Arab Group, to invite the General Assembly to vote in favour of this draft resolution.

Mr. Gillerman (Israel): Let me take us all back just four days to show the real face of the people who are staging this charade here today. Only last Sunday, a pregnant Israeli mother and her four children, aged 2 to 11, were gunned down at point-blank range. After shooting the mother — eight months pregnant with a baby boy — the terrorists approached the vehicle and shot each of her four little girls in the head, just to ensure that they were dead.

Let me show the Assembly what I am talking about. This is the mother and her four little girls a few minutes before. These are their bodies a few hours later.

Members of Yasser Arafat's own Fatah-Al Aqsa Martyrs' Brigade and the Islamic Jihad proudly claimed responsibility for this heroic attack. There are reports of a rally planned in the streets controlled by the Palestinian Authority to celebrate it. As with the hundreds of terrorist attacks before it, not a single measure was taken by the Palestinian leadership to prevent that attack or to bring its perpetrators to justice. To any fair-minded observer, it should be obvious that the steadfast refusal of the Palestinian leadership to comply with its specific road map obligations to fight terrorism and to prevent, in the words of the road map, "all acts of violence against Israelis anywhere" (*S/2003/529, annex, p. 3*) is killing the peace process.

The Palestinian rejection of its obligations to take key reform measures to end corruption and the near-religious commitment to missing opportunities that could revitalize the peace process are by now notorious. Indeed, as is well known, the Palestinian side has still not taken on any of its primary first-phase obligations within the road map framework. Yet, we convene today not to address the massacre perpetrated against the Hatuel family or to condemn the Palestinian leadership for its involvement in those atrocities, but to consider the latest attempt by the Palestinian side to have the Assembly adopt yet another draft resolution that advances its partisan distorted agenda.

Just two days ago, the Quartet convened in this very building and issued an important statement on the Middle East peace process. Today the General Assembly has been asked to adopt a draft text that undermines that very statement. The statement issued by the Quartet — which includes, as members know, the United Nations itself, as well as the European Union, the United States and the Russian Federation — reaffirmed the basic principle that no party should take "unilateral actions that seek to predetermine issues that can only be resolved through negotiation and agreement". That principle is fundamental to the peace process and has been part of every peace agreement signed between the parties, as well as of Security Council resolutions 242 (1967) and 338 (1973).

The road map too, as the Quartet reaffirmed only 48 hours ago, specifically determines that permanent status issues are reserved for the final phase of negotiations between the parties. That principle was also recently reaffirmed by Israel in the context of the planned withdrawal from Gaza and parts of the West Bank. The Quartet, in its statement on Tuesday, took positive note of that plan and regarded it as a "rare moment of opportunity", recognizing that it has the potential to restart the road map process towards a

mutually agreed two-State solution, to which Israel remains committed. As Israel has demonstrated, even without a genuine partner in peace, we continue to seek ways to improve the situation and comply with our obligations, while protecting the security and basic right to life of our citizens.

For those who have taken the care to read the details of the plan, it is clear that it is completely consistent with Security Council resolutions 242 (1967) and 338 (1973), with the road map and, indeed, with previous peace proposals. In the context of the plan, Israel reiterated its commitment to a negotiated solution to all permanent status issues within the context of the road map, and we do so again today. We recognize the principle that no permanent settlement can be imposed. It must be agreed by direct negotiations between the parties.

The obligation not to prejudge negotiations is born of the recognition that a lasting agreement benefiting both peoples can only come through mutual recognition and mutual compromise. No matter how many attempts are made by the Palestinian side to present the conflict as if it were black and white, with rights for Palestinians and responsibilities for Israelis, the truth remains that only a solution that takes the legitimate rights and obligations of both sides into account has a chance of success. It is worth reminding members that Security Council resolutions 242 (1967) and 338 (1973) and the terms of reference of the peace process were deliberately drafted to reflect that principle. Alternative proposals suggesting preordained answers or endorsing maximalistic territorial or legal claims were expressly rejected. The need for secure and defensible borders, arrived at by negotiation, was clearly recognized. Statements by the original drafters of Security Council resolutions 242 (1967) and 338 (1973) and, the Security Council's own records, as well as the plain text of signed agreements, clearly attest to that fact.

Indeed, the very agreement of the parties to resolve permanent status issues, such as borders and settlements, by negotiation, is testimony to the obligation to reach an agreed compromise. Compromise does not mean, as the Palestinian side occasionally proclaims, the agreement no longer to seek Israel's destruction. Compromise cannot be created by denying the historic and indigenous ties of the Jewish people to their ancient homeland any more than it can be reached by ignoring the legitimate claims of the Palestinian people. The history is complex. The legal positions are contested. This is the story of two peoples, not of one. As in other peace negotiations throughout the world and throughout history, demographic, strategic, political, humanitarian and security realities must also be taken into account to reach a fair and permanent settlement. This is a matter for more negotiations, not more resolutions. No amount of rhetoric or automatically generated General Assembly resolutions can alter the agreed terms of the peace process.

Despite those clear principles, the PLO is once again seeking to involve the General Assembly in final status issues. Just a few weeks ago, the Palestinian Observer addressed the Security Council, espousing the "principle of achieving a peaceful settlement through negotiations between the two parties and without prejudgement or pre-emption of final status issues" (*S/PV.4945, p. 4*). Today the Palestinian side returns to a more familiar pattern, as it has done for decades. It seeks, once again, to push a one-sided draft resolution through the United Nations that attempts to influence the negotiating process.

The draft resolution presented today presumes to have the Assembly — a political body — determine the disputed legal status of the West Bank and the Gaza Strip, and the legitimacy of conflicting claims, to the benefit of one party to the conflict and outside the agreed negotiating process. Like the other draft resolutions before it, this draft resolution shares the same substantive intent of predetermining issues expressly reserved for negotiations. Once again, the Palestinian side seeks to approach the General Assembly to cause it to embrace its maximalistic position, rather than negotiate with its neighbour on the basis of a commitment to end terrorism and renew genuine dialogue. It is simply not possible — it is impossible — to support the principles that were affirmed by the Quartet while at the same time countenancing repeated Palestinian initiatives at the United Nations that cut across those very principles.

The contradiction is obvious. The hypocrisy cries out. And the detriment to the legitimacy and influence of the General Assembly on the issue is, unfortunately, equally clear. For more than 80 States involved in territorial conflicts or with contested borders, the damaging precedent created by that kind of resolution is also clear. Using the organs of the United Nations to circumvent an agreed negotiating process, or to

advance the positions of one side of a conflict, is harmful both to the prospects of peace and to the credibility of the United Nations. States supporting that approach do so to the detriment of both those key interests.

Already, a clearly disproportionate amount of United Nations time and resources is devoted each annual session to partisan Palestinian initiatives and resolutions that consistently seek to bypass the negotiating process. Those texts have done nothing to advance peace, but they have done a great deal to harm the reputation of the United Nations and to undermine efforts to re-energize the negotiating process.

We believe it is past time for a different approach. The Assembly should start looking for constructive ways to encourage the parties to move towards road map implementation. It should stop endorsing even more divisive and controversial texts, under whatever guise, that seek to influence the outcome of a territorial dispute that the parties themselves have agreed to resolve by negotiation.

The draft resolution presented today offers us no way forward. It contains none of the key elements raised in the Quartet statement, and it undermines a central tenet of the peace process itself reaffirmed by the Quartet. It pretends that law and justice are within the monopoly of one side to the conflict. It misrepresents the true legal status of the 1949 Armistices Line and contradicts the terms of reference of the peace process. It is ill-timed, counterproductive and sends precisely the wrong message. It offers the Palestinian side an incentive to avoid negotiations and compliance with their obligations. After all, why bother with those difficult responsibilities, why fight terrorism, when the General Assembly is offering to embrace attempts to circumvent the negotiations and is determined to withhold any form of admonition for ongoing Palestinian violations that continue to take innocent lives on both sides?

The Palestinian Observer will no doubt, as usual, for lack of solid logic and moral grounding, accuse me again here today of low-level language. So it is important for us all to remember that beyond the diplomatic language that we all use lies a simple truth. It is time to tell the Palestinians, "Enough is enough. Stop the killings. Stop the terror. Do what you have to do to clean house, and stop abusing our time and the limited resources of the United Nations on resolutions that ignore the genuine suffering on both sides and instead promote initiatives of trivial pursuit."

We urge Member States that really care about a lasting peace and that support the Quartet Statement issued just two days ago to firmly oppose this counterproductive draft resolution.

The President: I now give the floor to the representative of Senegal, Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People.

Mr. Badji (Senegal) (Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People) (*spoke in French*): As Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People and on behalf of all members of the Committee, I would like to express our views on the agenda item on the question of Palestine, and specifically on the status of the occupied Palestinian territories, including East Jerusalem. As members are aware, for more than 37 years, Israel has been occupying Palestinian territory, in flagrant violation of many United Nations resolutions and the founding principles of the Charter of our Organization, including the principle of the inadmissibility of the acquisition of territory by force.

For several decades, the international community has tirelessly worked to put an end to the occupation and to find a lasting solution to the question of Palestine. It has firmly supported the vision of two States living side by side in shared peace and security. Alongside the State of Israel there must exist a viable, independent and sovereign Palestinian State. That vision has been clearly set forth in the road map, as accepted by both the Israelis and the Palestinians.

Clearly, any final settlement of the issue of the borders between the two States must be the subject of an agreement between the two parties involved. But as a people, the Palestinians have a fundamental right to self-determination, including the right to exercise sovereignty over their own territory in accordance with the rules and principles of international law. However, it is distressing to note that that fundamental and inalienable right has thus far been denied them. The Israeli Government continues its occupation of Palestinian territory, including East Jerusalem, by making use of brutal military force, confiscation of land, moving Israeli nationals into settlements in

Palestinian territory and by building a separation wall on Palestinian land in the West Bank.

The same Government continues to systematically deal destructive blows to the institutions of the Palestinian Authority and its leadership by besieging the President of the Palestinian Authority, President Yasser Arafat, who is confined in the Muqata'a, his headquarters, in Ramallah.

The disproportionate use of force by the occupying Power against Palestinian civilians continues relentlessly. In addition, the severe restrictions on the movements of the Palestinian populations on their own land stifles social and economic activities and threatens to delay a negotiated settlement to the conflict, which has lasted far too long.

The Israeli occupation of the Palestinian territory, including East Jerusalem, is illegal from the standpoint of international law. Since it has no sovereignty over any part of the Palestinian territory, Israel cannot be the representative of the territory. For that reason, the credentials of the Israeli delegation to the United Nations must not include the occupied Palestinian territories, including East Jerusalem.

Adoption of the draft resolution proposed for adoption by the Assembly would at least clarify the issue of the legitimate representation of the Palestinian people in the United Nations and would thus represent another step towards the exercise by the Palestinian people of its inalienable rights. In addition, adoption of the draft resolution should not be perceived as having a direct bearing on the ongoing peace process, on the final-status negotiations or on issues such as borders and refugees.

With respect to addressing the question of Palestine, the United Nations has a permanent responsibility to ensure a final settlement of the issue in all its aspect in accordance with international legitimacy and legality.

Thus, as Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, I should like to appeal to all States to support draft resolution A/58/L.61/Rev.1, entitled "Status of the Occupied Palestinian Territory, including East Jerusalem". Its adoption would represent yet another milestone in the recovery of the inalienable rights of the Palestinian people, which is the principal goal of our Committee and, I am convinced, the hope of the entire international community. Faced with challenges and growing perils, the Committee sincerely hopes that the international community will continue to mobilize its efforts to provide a comprehensive, just and lasting solution to the painful question of Palestine.

Mr. Aboul Gheit (Egypt) (*spoke in Arabic*): The question of Palestine is today at an extremely important and sensitive juncture — as sensitive and critical a juncture as that in 1947 when the General Assembly adopted its resolution to partition Palestine into two States for two peoples: one for the Israelis and the other for the Palestinians.

Today, the General Assembly is considering once again the question of the Palestinian State and the right of the Palestinian people to sovereignty over the Palestinian territories occupied since 1967, falling within the armistice line of 1949. The General Assembly is called upon once again today to decide the matter clearly and precisely, consistent with international law and previous resolutions of international legality. It can do so by rejecting the claims of the occupying Power that the occupied Palestinian territories are disputed and negotiable. It must reaffirm that all the rules governing the treatment of occupied territories and their populations, in accordance with the Geneva Convention relative to the Protection of Civilian Persons in Times of War, are applicable to those territories occupied since 1967. Full withdrawal therefrom, including from East Jerusalem, must be undertaken.

Today, we must reiterate the right of the Palestinians to their independent State on the Palestinian territories, fully restored and under Palestinian sovereignty. That would help move the process forward towards a negotiated settlement of the conflict that would achieve the goal of two States living side by side in peace and security within secure borders, in accordance with the road map.

The international community, as represented by this Assembly, is called upon today to reaffirm yet again the principle of the inadmissibility of the acquisition or settlement of the lands of others through the use of military force and of the building, on the pretext of security concerns, of fences and walls in the depths of the Palestinian territories, representing a thinly disguised attempt to expropriate the Palestinians' lands and to compel them to live in walled Bantustans.

The General Assembly must today defend the occupied peoples and their right to self-determination and to live in peace and security. We are confident that the international community will be firm in its defense of the principles of international law, the Charter of the United Nations, this great Organization, and the right of all to peace and security.

Mr. Mekdad (Syrian Arab Republic) (*spoke in Arabic*): It is my pleasure, on behalf of the Syrian Arab Republic, to thank you, Sir, for convening this meeting and for resuming the discussion of the item on the question of Palestine. I also wish to thank the countries of the world for their ongoing principled support for the inalienable rights of the Palestinian people and its efforts to establish a just and comprehensive peace in the Middle East, which must include an end to Israel's occupation of Arab territories in the Syrian Golan Heights, Southern Lebanon and Palestine. Such a peace would also curb Israel's arrogance, violations of international law and perpetration of war crimes.

This meeting is being held in the context of ongoing efforts and firm positions adopted by the General Assembly in support of one of the world's most just causes and in the midst of new challenges and grave threats faced by the Palestinian people as a result of Israel's policies of terrorism, oppression, murder and destruction, unprecedented in the history of humankind. The extreme urgency of this meeting and the submission of the draft resolution on the status of the occupied Palestinian territories, including East Jerusalem, arises from the fact that this international forum has been addressing the tragedy of the Palestinian people since its very birth. It has issued hundreds of resolutions that have been integrated into international law and terms of reference that cannot be ignored in our collective effort to find a solution to the problem of the Palestinian people, millions of whom have been expelled by Israel from their lands and homes and have endured a loathsome Israeli occupation of their land and a denial of their fundamental rights of return, self-determination, and the establishment of an independent State on their own land.

The Arab Group's call for the convening of this important meeting is most timely. It arises from our conviction that the international community must stand up to the Israeli policy of devouring of Palestinian rights and lands under flimsy pretexts that have been exposed to all. Israel is undertaking a colonial occupation and unlawful annexation of the Palestinian territories that it has occupied since 1967. It has also illegally transferred immigrants to those territories with a view to altering the demographic composition of the occupied Palestinian territories, including East Jerusalem in particular. These measures have led to Israel's acquisition of approximately 42 per cent of the Palestinian territories, despite the objections of the international community, reflected in many Security Council and General Assembly resolutions.

The humanitarian crisis facing the Palestinian people has also escalated because of Israel's building of the expansionist wall on occupied Palestinian territories, its confiscation of land and its isolation of Palestinian cities and villages. This has led to a deterioration of the already desperate economic and social situation in the occupied Palestinian territories and has deepened the feeling of disappointment and despair among the Palestinian people.

According to information provided by the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), Israel, as of 27 January last, had demolished more than 14,825 homes in the refugee camps in the Gaza Strip. Since February last, Israel has also demolished thousands of homes, whose former inhabitants have become refugees, with no roof over their head to protect them from the cold of winter.

Israel is carrying out its policy of assassination in total disregard of international law, protests and treaties. In doing so, it uses rockets and tank missiles against an unarmed population that aspires only to live in peace and dignity in an independent State.

United Nations statistics indicate that about 3,000 innocent Palestinians, including more than 300 children, have been killed by Israel in the past two years. Israel's insistence on continuing to perpetrate such crimes can be described only as a war crime and a crime against humanity. The international community must put an end to the perpetration of such crimes. Their escalation now poses a real threat to international peace and security.

The draft resolution that is before us today on the status of the occupied Palestinian territories, including East Jerusalem, is clear and accurate. The adoption of this draft would reflect the international community's determination to see the Palestinian people exercise their right to self-determination and sovereignty over

their land, including East Jerusalem. It would also represent a rejection of any claims or attempts by Israel to annex territory.

The international community must reject any attempt to legitimize Israel's expansionist plans and its aggressive acts against the occupied Arab territories, including its settlements or the so-called facts on the ground.

It is very important to understand that the question of the occupied Arab territories, be they in the Syrian Golan, southern Lebanon or Palestine, cannot be negotiated between the parties. That land is occupied land, and it must be restored to its owners. For the past 37 years, Israel has continued to build settlements and to take decisions aimed at annexing land and establishing so-called facts on the ground, with a view to eventually imposing new concepts on the international community — concepts that are in contravention of international law.

Security Council resolution 242 (1967) reiterates the principle of the inadmissibility of the acquisition of territory by force and called for the withdrawal of Israeli forces from the Arab lands occupied since 1967. The Security Council, in its resolution 476 (1980), condemned Israel's annexation of East Jerusalem. In its resolution 497 (1981), the Council condemned Israel's alleged annexation of the occupied Syrian Golan. These resolutions must be respected by Israel, which must not disregard or attempt to circumvent that legally binding resolution.

The Israeli Government — especially the current one, which is against peace — is under the illusion that through its manoeuvres, its threats, its unjust occupation and blackmail, it will eventually achieve the successful imposition of a fait accompli on the Arab peoples. Such a fait accompli is but the continuation of occupation, but Israel is once again mistaken. Its gamble will not succeed — that much is clear.

Syria and other Arab countries are determined to liberate their lands occupied by Israel. They are determined to achieve a comprehensive and just peace. Everyone knows that the Arab side is sincere in its pursuit of peace on the basis of Security Council resolutions 242 (1967) and 338 (1973), the Madrid terms of reference, the principle of land for peace and the Arab initiative for peace, adopted at the Beirut Summit in 2002. That initiative had widespread support from the international community and its major institutions.

In conclusion, we firmly believe that strong support for this draft resolution will be another important step towards saving our region from the scourge of the occupation, brutal force, the settlements and the imposition of a policy of fait accompli, and that it will promote our collective efforts to achieve a comprehensive and just peace in our region.

Mr. Requeijo Gual (Cuba) (*spoke in Spanish*): The delegation of Cuba is among the sponsors of draft resolution A/58/L.61, entitled "Status of the occupied Palestinian territory, including East Jerusalem", which is before us at an extremely complex time. Plans are not being implemented, negotiations are not advancing, Security Council resolutions are not being implemented, and resolutions of the General Assembly and of other organs of the United Nations system are being flouted with disdain.

In the midst of so many press conferences, statements, drafts and initiatives, we cannot overlook the nature of the crisis that has ravaged the Middle East, in particular with respect to the question of Palestine, practically since the creation of our Organization. Humankind has an obligation to the Palestinian people to ensure that they are able to exercise self-determination and to establish on their territory the independent and sovereign State for whose sake they have had to endure so much pain and suffering.

The media campaigns that distort the reality of the situation of the Palestinian people cannot make us forget about the principle of the inadmissibility of the acquisition of territory by force. We cannot forget about the need to realize the inalienable rights of the Palestinian people. We cannot forget about the need to take the road towards a peaceful, negotiation, just and comprehensive settlement in the Middle East. We cannot forget about the goal of two neighbouring States coexisting in conditions of peace and security, with mutual trust and full viability, sovereignty and independence.

Aggression against the Palestinian people and other Arab peoples must cease. All illegal settlements in occupied territories must be dismantled and given to their legitimate owners. Israel's annexation of East Jerusalem and the Syrian Golan must stop.

Not only must the building of the wall of separation within the occupied Palestinian territories stop, but what has already been built must be demolished without conditions or pretexts. We must not wait for those new physical alterations in the occupied Palestinian territories to further complicate possible future negotiations on permanent status; nor must the Palestinian territory's contiguity in Gaza and the West Bank be affected.

For progress to be made, there must be an end to State terrorism, extrajudicial executions, the destruction of houses and fields, arbitrary detentions, torture, the stifling of the Palestinian economy and the uncontrolled spiral of violence that claims the lives of innocent civilians on both sides. We cannot forget the situation of Palestinian refugees and their right to return to the land from which they were expelled. And, last but not least, we must respect the leadership of the Palestinian National Authority and its legitimate representation of the Palestinian people.

Cuba hopes that the day is not far off when we will be able to welcome into the Organization, as a full Member, with full prerogatives, a free and independent Palestinian State that is free from the Israeli military occupation it has endured since 1967 and that enjoys full sovereignty throughout its territory. Only then will there be peace, security, respect and harmony in the Middle East. Until that time comes, we must keep the legal status of the occupied Palestinian territory well defined. In that connection, we call on Member States to vote in favour of the draft resolution before us today.

Mr. Cunningham (United States of America): The United States will vote against the draft resolution (A/58/L.61) being considered here today. The United States believes that the draft resolution before us is inappropriate and ill-timed, and that it would detract from, rather than enhance, ongoing efforts to bring about a just, comprehensive and lasting settlement of the Arab-Israeli conflict.

The Quartet principals met here in this building just two days ago. After their meeting, they issued a clear statement affirming their commitment to a common vision of two States — Israel and a viable, democratic, sovereign and contiguous Palestine — living side by side in peace and security. The Quartet also called on both parties to fulfil their obligations under the road map — as called for in Security Council resolution 1515 (2003) and in previous Quartet statements — and to meet the commitments they made at the Red Sea summits in Aqaba and Sharm el-Sheik.

The Quartet noted that no party should take unilateral actions that seek to predetermine issues that can only be resolved through negotiation and agreement between the two parties. Any final settlement on issues such as borders and refugees must be mutually agreed to by Israelis and Palestinians on the basis of Security Council resolutions 242 (1967), 338 (1973), 1397 (2002) and 1515 (2003), the terms of reference of the Madrid peace process, the principle of land for peace, previous agreements, and the initiative of Saudi Crown Prince Abdullah endorsed by the Beirut Arab League Summit, and must be consistent with the road map.

This draft resolution flies in the face of that statement. It is a unilateral action that, no matter how it is worded, attempts to prejudge the final status issues of borders and Jerusalem by asserting the right of Palestinian sovereignty and independence in all of the occupied Palestinian territory, including East Jerusalem. It is a detour and a distraction.

At this critical juncture, the international community must remain focused on how to resume progress towards peace. Progress will come only through a real commitment by the parties to engage constructively and to implement their obligations under the road map. That is what the Quartet is focused on, and that is what the international community should be focused on. Neither the General Assembly nor anyone else should prejudice the outcome of permanent status negotiations. A lasting settlement can be reached only through direct negotiations and mutual agreement between the parties. As Secretary Powell stated after the Quartet meeting in New York, President Bush's exchange of letters with Prime Minister Sharon reaffirmed that the parties have to mutually agree between themselves before any issues are settled in final status negotiations.

The draft resolution before the General Assembly prejudges final status issues; is inconsistent with the Quartet's statement, previous resolutions and agreements between the parties; and detracts from the real efforts being made to resume progress towards peace in the region. The United States will vote against the draft resolution, and we urge other Member States to vote against it as well.

The President: We have heard the last speaker on my list for this meeting.

Before adjourning, I would like to give the floor to the representative of Malaysia to explain the status of negotiations.

Mr. Rastam (Malaysia): On behalf of the sponsors of draft resolution A/58/L.61, I should like to inform the Assembly that, as a result of further consultations this morning, the sponsors would like to submit a revised text for adoption this afternoon. We have been in touch with the Secretariat, which is making arrangements for the revised text to be circulated. I believe the English text has been informally circulated in the room, and we will make the text available to all delegations.

We would like to thank you, Mr. President, and the rest of the Assembly for the opportunity to put the revised draft resolution to the vote this afternoon. There is also a possibility that a few more countries will join the list of sponsors.

The meeting rose at 12.35 p.m.